

ASSESSMENT BY THE COMMONWEALTH OMBUDSMAN FOR TABLING IN PARLIAMENT

Under s 486O of the Migration Act 1958

This is the first s 486O assessment on Mr X who has remained in immigration detention for more than 30 months (two and a half years).

Name	Mr X
Citizenship	Country A
Year of birth	1992
Ombudsman ID	1002576-O
Date of DIBP's reports	19 January 2017 and 17 July 2017
Total days in detention	912 (at date of DIBP's latest report)

Detention history

17 January 2015	Detained under s 189(1) of the <i>Migration Act 1958</i> following his release from a correctional facility. He was transferred to Facility B.
2 April 2015	Transferred to Facility C.
10 September 2015	Transferred to Facility D.
28 April 2017	Transferred to a correctional facility. ¹

Visa applications/case progression

Mr X arrived in Australia on 12 September 2006 on a refugee visa, granted on 21 May 2006.	
19 December 2014	Refugee visa cancelled under s 501 following criminal convictions.
5 February 2015	Requested that the decision to cancel his refugee visa be revoked. The Department of Immigration and Border Protection (the department) advised that this request was delayed until Mr X's outstanding criminal charges were finalised.
31 March 2016	The department notified Mr X of the commencement of an International Treaties Obligations Assessment (ITOA) to assess whether the circumstances of his case engage Australia's <i>non-refoulement</i> obligations. On 19 June 2016 Mr X provided a response.
31 May 2017	The department notified Mr X that it had received further information, including sentencing remarks, that may be considered when deciding whether to revoke the decision to cancel his visa under s 501.

Criminal history

June 2012	Convicted of robbery and escape offences and sentenced to three years imprisonment with a non-parole period of one year and six months.
February 2014	Convicted of assault and sentenced to three months imprisonment.

¹ The department advised that Mr X continues to be detained under s 189(1) while he serves an eight month prison sentence at a correctional facility.

May 2014	Convicted of stalking and shoplifting offences and sentenced to one month and three months imprisonment respectively.
April 2017	Convicted of rioting offences and sentenced to eight months imprisonment. Mr X was transferred to a correctional facility on the same day and his earliest estimated date of release is 27 August 2017.

Health and welfare

International Health and Medical Services (IHMS) advised that Mr X has a history of torture and trauma, but declined a referral for specialist counselling.

Following Mr X's transfer to a correctional facility, his health and welfare continues to be managed by the State E Department of Corrective Services.

Detention incidents

Incident Reports recorded that Mr X was allegedly involved in numerous behavioural incidents while held in an immigration detention facility, including displaying abusive and aggressive behaviour towards other detainees and detention centre staff.

Other matters

Mr X's mother, two brothers and sister reside in Victoria and his son resides in Queensland.

Case status

Mr X was detained on 17 January 2015 following his release from a correctional facility. He was held in an immigration detention facility for more than two years before being transferred to a correctional facility in April 2017 to serve a custodial sentence.

On 19 December 2014 Mr X's refugee visa was cancelled under s 501 and on 5 February 2015 he requested that the decision to cancel his visa be revoked.

On 31 March 2016 the department commenced an ITOA to assess whether the circumstances of Mr X's case engage Australia's *non-refoulement* obligations and on 19 June 2016 he provided a response.